

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

WILLIE LEE MOORE,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of  
Social Security,

Defendant.

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Civil Action No. 05-00204-BH-B

ORDER

After due and proper consideration of all portion of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated August 15, 2005 is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown and because no answer has been filed, it is **ORDERED** that Defendant's Motion To Remand (Doc. 12) be and hereby is **GRANTED** and that this action is **REMANDED** to the Social Security Administration pursuant to sentence six of 42 U.S.C. § 405(g), for the Administrative Law Judge to: 1) further develop the record with regard to Plaintiff's alleged mental impairment; 2) obtain updated evidence concerning Plaintiff's mental status, with psychological testing including, but not limited to, WAIS-III,

WRAT-II and MMPI; 3) obtain Plaintiff's actual school records; and 4) make clear, consistent findings regarding Plaintiff's earnings and substantial gainful activity during the period at issue.

Under this remand pursuant to sentence six of Section 405(g), Plaintiff is not a prevailing party for purposes of the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. See Shalala v. Schafer, 509 U.S. at 297-298, 300-302 (1993).

**DONE** this 14<sup>th</sup> day of September, 2005.

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s/ W. B. Hand  
SENIOR DISTRICT JUDGE